| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 08/937,883 | 09/25/1997 | SHIMON GRUPER | COLB-0083 | 2262 |

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| EXAMINER |
|---|
| TANG, KENNETH |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2127 | |

DATE MAILED: 12/18/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>16 September 2002</u> .

2a)☐ This action is **FINAL**.        2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>19 and 21-35</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>19 and 21-35</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All  b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

## DETAILED ACTION

1.      Claims 19 and 21-35 are pending in the application.

2.      Arguments from Ammendment B are disregarded because of the new grounds of

rejection.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.      Claim 19 is rejected under 35 U.S.C. 102(b) as being unpatentable over Jablon et al.

(hereinafter Jablon) (US 5,421,006).

Referring to claim 19, Jablon teaches an apparatus for ensuring the integrity of an

application executed on a computer *(see Title)* having data storage arranged sectorwise *(i.e.,*

*"disk"),* comprising:

- apparatus for learning about the normal behavior of said application by monitoring

   accesses of said application to elements of said data storage during a limited period

   *("device", "assessing the integrity", "prevents execution of corrupted programs at time*

   *of system initialization", "programs and data", see Abstract);*

- an enforcement device, operative after said period is over, for identifying and preventing said application from accessing elements of data storage that do not correspond with the normal behavior of said application *("verify the integrity", "sets a hardware latch to protect the codes in the non-volatile memory from being overwritten by subsequent untrusted programs", "Damage", "virus and Trojan horse attacks is prevented", see Abstract, and "if an integrity violation is detected, the second program is not run", "closes the latch to prevent verification data in the non-volatile memory from being modified by subsequent programs", col. 8, lines 39-59 and col. 10, lines 46-52).*

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.     Claims 21-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jablon et al. (hereinafter Jablon) (US 5,421,006).

Referring to claim 21, Jablon teaches an apparatus wherein said enforcement device is operative to prompt a user to give specific permission, upon occurrence of an attempt of the program to access files not accessed during said learning period. Jablon discloses that the user is warned if there is a problem with data integrity *(col. 8, line 52)*. The user gives authentication

data, such as a password to login. Permission is granted when successful login occurs. User login is necessary to close the latch to protect data from being modified or read by any subsequent program *(col. 9, lines 48-54, and col. 20, lines 32-40)*. Jablon fails to explicitly teach that the verification data for each program is stored in a file and that file is accessed for verification. However, "Official Notice" is taken that both the concept and advantages of providing that data can be stored in a file is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a file that contained the verification data of each program to the existing system of Jablon for the reason of increasing organization of the program by keeping the verification information for a particular program in one area. It makes it simpler for the respective program to access the information.

Referring to claim 23, Jablon teaches an apparatus wherein said enforcement device is based at least partly on instances of specific permission being given by the user to the program to access certain files, wherein the enforcement device treats attempts of the program to access files to which the user permitted access during said learning period more leniently than attempts of the program to access files to which the user did not permit access during said learning period. It is rejected for the same reasons as stated in the rejection of claim 21. There is definitely more leniency to access files with user permission (successful username/password login). There is no leniency without permission.

Referring to claims 22 and 24, Jablon teaches an apparatus for ensuring the integrity of a

computer application to be run in association with a computer having data storage arranged

sectorwise *(i.e. "disk)* in a storage device, comprising:

- apparatus for assigning a general enforcement file to each new program;

- apparatus for learning about the program by monitoring the program of said data storage,

  by monitoring the program's attempts to make file accesses during a learning period;

- an enforcement device operative, after said learning period is over, to treat attempts of the

  program to access files accessed during said learning period more leniently than attempts

  of the program to access files not accessed during said learning period; said enforcement

  device is based at least on instances of specific permission being given by the user to said

  application to access locations of said data storage, wherein said enforcement device

  treats attempts of said application to access locations of said data storage to which the

  user has permitted to access during said learning period more leniently than attempts of

  the program to access files to which the user did not permit access during said learning

  period.

Jablon teaches that the integrity of <u>each</u> program must be verified before the latch mechanism

opens the latch and the memory is readable and writable *(col. 8, lines 39-59)*. The "learning

period" occurs at this time. Jablon fails to explicitly teach that the verification data for each

program is stored in a file. However, "Official Notice" is taken that both the concept and

advantages of providing that data can be stored in a file is well known and expected in the art. It

would have been obvious to one of ordinary skill in the art at the time the invention was made to

include a file that contained the verification data of each program to the existing system of

Jablon for the reason of increasing organization of the program by keeping the verification

information for a particular program in one area. It makes it simpler for the respective program

to access the information.

Referring to claim 25, it is rejected for the same reasons as stated in the rejection of claim

24.

Referring to claim 26-28, Jablon teaches a method further comprising enabling the user

of said first application to determine said normal behavior during said learning period. The user

determines the normal behavior through the integrity verification process *(col. 8, lines 39-59).*

Referring to claim 29-34, Jablon teaches a method further comprising detecting attempts

of a daughter or second application of said first application to access elements of data storage

that do not correspond to said normal behavior as determined by said enforcement file and

inhibiting said accesses, thereby preventing the damage thereupon. It is rejected for the same

reasons as stated in the rejection of claims 22 and 24. In addition, Jablon discloses that the

system loads a second program only after the first program passes the verification of data

integrity *(col. 8, lines 39-59).*

## *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (703) 305-5334. The examiner can normally be reached on 9:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is none.

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December 10, 2002

JOHN A. FOLLANSBEE
PRIMARY EXAMINER